

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff

v.

CLARK COUNTY DETENTION CENTER,

Defendant

Case No. 2:20-cv-01628-RFB-DJA

ORDER

I. DISCUSSION

On September 1, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis* with complete financial attachments.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents,

1 or in the alternative, pay the full \$400 filing fee for this action on or before **November 3,**
 2 **2020.** Absent unusual circumstances, the Court will not grant any further extensions of
 3 time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
 4 with all three required documents or pay the full \$400 filing fee on or before **November**
 5 **3, 2020,** the Court will dismiss this case without prejudice for Plaintiff to file a new case
 6 with the Court when Plaintiff is either able to acquire all three of the documents needed
 7 to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing
 8 fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 10 case with the Court, under a new case number, when Plaintiff has all three documents
 11 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
 12 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 13 full filing fee of \$400 on or before **November 3, 2020** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 15 will not file the complaint unless and until Plaintiff timely files a fully complete application
 16 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 19 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 20 as the document entitled information and instructions for filing an *in forma pauperis*
 21 application.

22 IT IS FURTHER ORDERED that on or before **November 3, 2020,** Plaintiff will
 23 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
 24 the \$50 administrative fee) or file with the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
 26 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
 27 signatures on page 3),

28 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

1 official (i.e. page 4 of this Court's approved form), and
2 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
3 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
4 Plaintiff must still submit an inmate account statement for the dates he has been present
5 at the facility.

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
7 application to proceed *in forma pauperis* with all three documents or pay the full \$400
8 filing fee for a civil action on or before **November 3, 2020**, the Court will dismiss this
9 action without prejudice for Plaintiff to refile the case with the Court, under a new case
10 number, when Plaintiff has all three documents needed to file a complete application to
11 proceed *in forma pauperis* or pays the full \$400 filing fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
13 (ECF No.1-1) but will not file it at this time.

14 DATED: September 8, 2020

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16 UNITED STATES MAGISTRATE JUDGE
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